

REMARKS

Claims 1 – 6, 8 – 15, 17 – 23, 25 – 31 and 33, 35 and 37 were presented for examination. Claims 35 and 37 were not elected in response to a requirement for restriction. Claims 1 – 6, 8 – 15, 17 – 23, 25 – 31 and 33 have been elected and are therefore presently pending. The election of Claims 1 – 6, 8 – 15, 17 – 23, 25 – 31 and 33 is hereby affirmed.

In the above-identified Office Action, the Examiner rejected Claims 1 – 3, 5, 6, 8 – 11, 17 – 20, 22, 23, 25 – 28 and 33 under 35 U.S.C. § 102(b) as being anticipated by Bourbeau ('040). Claims 4, 12, 14, 21 and 29 – 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bourbeau ('040) in combination with Seyfang ('046). Claim 15 was rejected as being unpatentable over Bourbeau ('040) in combination with Hoffman *et al.* ('201).

Claim 13 was indicated as being allowable if rewritten in independent form to include the limitations of the base claim. Hence, by this Amendment, Claim 9 has been amended to include the limitations of Claims 12 and 13 and these claims have been canceled. In addition, a new claim (Claim 40) has been added which includes the limitations of Claim 9 and the 'variable impedance load' limitation of Claim 13. In accordance with the stated reasons for allowance, Claim 9, as amended herein, and/or Claim 40 should be allowable.

By this Amendment, certain additional changes have been presented with respect to the Claims. Claim 1 has been amended to include the limitations of Claim 4 and Claim 4 has been canceled. Claim 8 has been presented in independent form as new Claim 39. Claim 17 has been presented in independent form as new Claim 41. Claim 18 has been amended to include the limitations of Claim 21 and Claim 21 has been canceled. Claim 25 has been presented in independent form as new Claim 42. Claim 26 has been

amended to include the limitations of Claims 13 and 29 and Claim 29 has been canceled. Claim 33 has been presented in independent form as new Claim 43.

In the above-identified Office Action, the Examiner suggested that the invention of Claims 4 and 21, *inter alia*, were unpatentable over the combined teachings of Bourbeau and Seyfang. The Examiner suggested that it would be obvious to combine the teachings of Bourbeau and Seyfang. However, Applicants respectfully traverse this assertion. As is evident from the Abstract thereof, Bourbeau is a 'low-cost' battery monitor. It would be inconsistent with the objective to provide a 'low-cost' monitor to add the expense of a lookup table per the purported teachings of Seyfang. Accordingly, inasmuch as the limitations of Claims 4 and 21 have been incorporated into Claims 1 and 18, the inventions of Claims 1, 18 and the claims dependent thereon should be allowable as well.

Claims 8, 17, 25 and 33 include limitations directed to the sensing of the temperature of the battery and the load (Claims 8, 25 and 33) or the discharge circuit (Claim 17).

The Examiner suggests that Bourbeau teaches the sensing of the temperature of the battery, the load and the discharge circuit. However such a teaching is clearly not supported by the reference. Bourbeau makes no mention of the load or the sensing of the temperature thereof. As shown in Fig. 1, the temperature sensor 34 is mounted at the negative terminal of the battery B1, not in a position to sense the temperature of a load and/or a discharge circuit. Hence, Claims 8, 17, 25 and 33 and new Claims 39, 41, 42 and 43, drafted respectively to include the limitations thereof in independent form, should be allowable as well.

Reconsideration, allowance and passage to issue are therefore respectfully requested.

Respectfully submitted,
D. Wolin, et al.

By William J. Benman
William J. Benman
Attorney for Applicants
Registration No. 29,014

WJB/lc

Benman, Brown & Williams
2049 Century Park East
Suite 2740
Los Angeles, CA 90067

310-553-2400
310-553-2675 (fax)